

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PREMIER CANDLE CORP.,	:	In the matter of Trademark Registration
	:	No. 2,086,606
Petitioner	:	
	:	For the mark AMERICA'S PREMIER
v.	:	CANDLE COMPANY
	:	
STARLIGHT CANDLES, LTD.	:	Date of Registration: August 5, 1997
	:	
Respondent	:	Cancellation No. _____
	:	
	:	Pittsburgh, Pennsylvania
	:	August 2, 2002

02 AUG -2 AM 9:

**PETITION TO CANCEL**

PETITIONER, Premier Candle Corp., a Canadian corporation, having a place of business at 1255 Fewster Drive, Mississauga, Ontario, CANADA L4W 1A3, believes that it is and will continue to be damaged by United States Trademark Registration No. 2,086,606 for the mark AMERICA'S PREMIERE CANDLE COMPANY covering "candles" in International Class 004 and hereby petitions to cancel the same.

RESPONDENT, Starlight Candles, Ltd. of 7667 Cahill Road, Suite 400, Edina, Minnesota, 55439, a Minnesota corporation, is the record titleholder of said registration.

AS GROUNDS THEREFOR, it is alleged that:

1. Respondent's registered mark consists of words which, when applied to the "candles" identified by Respondent's registered mark, are merely descriptive in that said words are laudatory, geographically descriptive, and common terms used to describe the goods of the nature involved herein.

2. Petitioner, since at least as early of March 4, 1997, has been involved in the manufacture and sale of goods of the same nature as Respondent's goods described in said registration, and that Petitioner has a valid and legal right to describe its goods by use of the terms registered as a trademark by Respondent.

3. Petitioner is likely to be damaged by Respondent's registration of said terms in that the *prima facie* effect of such registration tends to impair Petitioner's right to descriptive use of said terms.

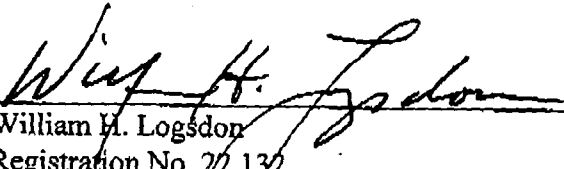
4. In view of the above allegations, Respondent is not entitled to continue registration of its mark in that Respondent is not entitled to exclusive use of said terms in commerce on the goods specified and, further, that Respondent's mark does not function to identify Respondent's goods and distinguish them from those offered by others.

5. Respondent's alleged mark has not become distinctive of Respondent's goods in commerce and no customer recognition of said terms as a valid mark identifying only Respondent has been achieved.

WHEREFORE, Petitioner prays that Registration No. 2,086,606 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,

By

  
William H. Logsdon  
Registration No. 22,132

Kent E. Baldauf, Jr.  
Registration No. 36,082

Philip J. Foret  
Registration No. P-51,689  
Attorneys for Petitioner

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219-1818  
Telephone No.: (412) 471-8815  
Facsimile No.: (412) 471-4094  
E-mail: webblaw@webblaw.com

**TRADEMARK CANCELLATION**Date August 2, 2002Case Docket No. 2529-021500**BOX TTAB-FEE**

COMMISSIONER FOR TRADEMARKS

2900 CRYSTAL DRIVE

ARLINGTON, VA 22202-3513

Sir:

Transmitted herewith for filing with the United States Patent and Trademark Office is:

PETITIONER: PREMIER CANDLE CORP.

FOR: Trademark Application  
Renewal of Trademark  
Declaration  
X Petition to Cancel TRADEMARK REGISTRATION 2086606

including:

       sheet(s) of drawings,  
       specimen(s) showing the mark as actually used,  
and \$        for Fees.

The Commissioner of Patents and Trademarks is hereby authorized to charge the petition fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650.

The original and two copies of this transmittal sheet are enclosed.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By

*William H. Logsdon*  
William H. Logsdon  
Registration No. 22,132  
Attorney for Applicant  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com

02 AUG -1 AM 8:

02 AUG -2 AM 8:37